

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 202

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE DIVISION OF PUBLIC WORKS; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5711E, IDAHO CODE, TO PROVIDE FOR A CONSTRUCTION MANAGER AT-RISK IN CERTAIN WORKS OF THE STATE OF IDAHO, TO PROVIDE FOR SELECTION OF AN INDIVIDUAL OR FIRM PROVIDING CONSTRUCTION MANAGER AT-RISK SERVICES, TO PROVIDE FOR REQUIREMENTS RELATING TO A CONSTRUCTION MANAGER AT-RISK AND TO DEFINE TERMS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 57, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5711E, Idaho Code, and to read as follows:

67-5711E. CONSTRUCTION MANAGER AT-RISK CONTRACTING AUTHORIZED. (1) The director of the department of administration, or his designee, is authorized and empowered, subject to the approval of the permanent building fund advisory council, to employ the use of the construction manager at-risk (CMAR) method of construction in the letting of any and all contracts for the construction, alteration, equipping, furnishing and repair of any and all buildings, improvements or other public works of the state of Idaho. If CMAR services are used, the following shall apply:

(a) Selection of the individual or firm providing CMAR services shall be made pursuant to section 67-2320, Idaho Code; and  
(b) An individual or firm providing CMAR services is subject to all requirements, including licensing and bonding requirements, applicable to contractors subject to chapter 19, title 54, Idaho Code.

(2) For purposes of this section, "construction manager at-risk services" means services provided by an individual or firm that:

(a) Provides construction management services for a project throughout the preconstruction and construction phases;  
(b) Is licensed under chapter 19, title 54, Idaho Code, as a public works contractor;  
(c) Acts as a general contractor in accordance with the construction manager at-risk contract; and  
(d) Guarantees the cost of the project.

(3) "Construction manager at-risk contract" means a contract by which an individual or firm agrees to provide construction management at-risk services and which may provide for the individual or firm to self-perform portions of the project and may require the individual or firm to satisfy applicable prequalification criteria on any self-performed work.

(4) "Firm" means any business organization, including individuals, partnerships, corporations, associations or any combination thereof acting as a unit.